

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*In re* Patent Application of:

Docket No.: 07620006C1

Brian E. JOSEPH

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APR 05 2006

Serial No.: 10/693,458

Group Art Unit: 1744

Filed: October 27, 2003

Examiner: A. BAHTA

OFFICE OF PETITIONS

Confirmation No.: 2930

For: **THERMAL PROTECTION SYSTEM**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RECEIVED**
FEB 28 2006
OFFICE OF PETITIONS**REQUEST FOR REFUND**

Sir:

Attorneys associated with deposit account No. 23-1951 (McGuireWoods LLP) respectfully request a refund of fees in the amount of \$130.00, which was debited from Attorney's deposit account No. 23-1951 (McGuireWoods LLP) in connection with the Statutory Disclaimer fee, for the above-identified application. Please refund the fee amount of \$130.00 directly to Attorney's deposit account No. 23-1951.

STATEMENT OF FACTS

The above-identified application was transferred from McGuireWoods LLP October 22, 2004 to Phillip D. Lane. A Power of Attorney to Phillip D. Lane was accepted on November 10, 2004 (copy of Notice of Acceptance of Power Attorney is attached). Phillip D. Lane is no longer associated with McGuireWoods LLP and no longer has rights to our Attorney's deposit account No. 23-1951. Phillip D. Lane filed a Terminal Disclaimer without any authorization to debit our account on or about January 17, 2006 (Terminal Disclaimer and RCE Transmittal attached). On January 23, 2006, the U.S. Patent and Trademark Office deducted \$130.00 from our Attorney's deposit account No. 23-1951 for the above-identified application.

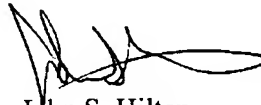
Brian E. JOSEPH
Serial No.: 10/693,458
Docket No.: 07620006C1

Because the above-noted application is not associated with McGuireWoods LLP, Phillip D. Lane is not associated with McGuireWoods LLP, no one has authorized the McGuireWoods LLP Account to be debited, the debiting of the account is not proper.

CONCLUSION

Based on the above, a refund of \$130.00 is in order. Please credit Attorney's deposit account No. 23-1951(McGuireWoods LLP) for the amount of \$130.00. Acknowledgement of receipt is respectfully requested.

Respectfully Submitted,



John S. Hilten
Reg. No. 52,518

Date: January 25, 2006

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Tel: 703-712-5069
Fax: 703-712-5196

Active\3500874.1

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/693,458	10/27/2003	Brian E. Joseph	07620001C1

48642
PHILIP DOUGLAS LANE
P.O. BOX 651295
POTOMAC FALLS, VA 20165-1295

CONFIRMATION NO. 2930

OC000000014339202

OC000000014339202

Date Mailed: 11/10/2004

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2004.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

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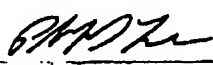
APR 05 2006

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RANDALL H GHOLSON
1700 (571) 272-1011

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Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent				Docket No. 07620006C1	
Re Application Of: Brian E. Joseph					
Application No. 10/693,458	Filing Date October 27, 2003	Examiner A. Babta	Customer No. 48642	Group Art Unit 1744	Confirmation No. 2930
Invention: Thermal Protection System			RECEIVED FEB 28 2006 OFFICE OF PETITIONS		
Owner of Record: Touchstone Research Laboratory, Ltd.					
COMMISSIONER FOR PATENTS:					
<p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,689,470. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <p> _____ Signature</p> <p>Dated: December 14, 2005</p> <p>Philip D. Lane _____ Typed or Printed Name</p> <p><input type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</p>					

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PTO/SB/30 (04-05)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/693,458
Filing Date	October 27, 2003
First Named Inventor	Brian E. Joseph
Art Unit	1744
Examiner Name	Abraham Bahla
Attorney Docket Number	07520008C1

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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☒ Other consider the arguments in the Reply filed on December 14, 2005

- b. ☒ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other copy of reply filed - December 14, 2005

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to

- a. ☐ Deposit Account No. _____ I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.17(e)

01/18/2006 H010000063 10693458

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

01 FC:2801

395.00 00

iii. ☐ Other _____

- b. ☒ Check in the amount of \$ 395.00 enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	January 13, 2006
Name (Print/Type)	Philip D. Lane	Registration No.	41,140

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	
Name (Print/Type)	Philip D. Lane
Date	January 13, 2006

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Deposit Account Statement

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Patent and
Trademark Office**

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OFFICE OF PETITIONS**Deposit Account Statement****Requested Statement Month:**

January 2006

Deposit Account Number:

231951

Name:

MCGUIREWOODS, LLP

Attention:

CAROLYN DOEPP/JONI POWELL

Address:

1750 TYSONS BOULEVARD

City:

VIENNA

State:

VA

Zip:

22102

Country:

UNITED STATES OF AMERICA

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FEB 28 2006

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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	3	90006818		9204	-\$135.00	\$9,165.00
01/03	5	90006802		9204	-\$135.00	\$9,300.00
01/04	94	11204375		8021	\$40.00	\$9,260.00
01/05	2	ADJUSTMENT		9206	\$5,000.00	\$4,260.00
01/05	4	10133340	6192.0094.BB	1999	\$900.00	\$3,360.00
01/05	77	4655804	2047197-0001	8021	\$400.00	\$2,960.00
01/06	392	11145010	60010002US, 60010003US	8021	\$40.00	\$2,920.00
01/06	393	11198356	60010002US, 60010003US	8021	\$40.00	\$2,880.00
01/06	394	11210106	60010002US, 60010003US	8021	\$40.00	\$2,840.00
01/06	395	11210105	60010002US, 60010003US	8021	\$40.00	\$2,800.00
01/09	30	5908043	2045381-0001	8021	\$80.00	\$2,720.00
01/10	202	11179593	2037153-5011	8021	\$40.00	\$2,680.00
01/13	26	PAYMENT		9203	-\$2,200.00	\$4,880.00
01/13	330	4834718	5032774-0001	8021	\$200.00	\$4,680.00
01/19	13	PAYMENT		9203	-\$2,200.00	\$6,880.00
01/19	246	6148636	2031167-0008	8021	\$120.00	\$6,760.00
01/23	1	10693458	07620006C1	1814	\$130.00	\$6,630.00

START
BALANCE
\$9,030.00

SUM OF
CHARGES
\$7,070.00

SUM OF END
REPLENISH BALANCE
\$4,670.00 \$6,630.00

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